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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/799,591

03/15/2004

Jerome Maillard

0512-1203

8265

466 7590 06/21/2007  
YOUNG & THOMPSON  
745 SOUTH 23RD STREET  
2ND FLOOR  
ARLINGTON, VA 22202

EXAMINER

HAMO, PATRICK

ART UNIT

PAPER NUMBER

3746

MAIL DATE

DELIVERY MODE

06/21/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/799,591	Applicant(s) MAILLARD ET AL.	
	Examiner Patrick Hamo	Art Unit 3746	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 2-6 and 9-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,7,8,15 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>15 Mar 2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Species IV in the reply filed on April 12, 2007 is acknowledged.

Claims 2-6 and 9-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 12, 2007.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7-8 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Couetoux et al., Pat. No. 6,158,979.

Couetoux discloses a module for cooling a front unit of a motor vehicle comprising a heat exchanger 32 and a ventilation assembly (motor-fan unit 24) for a motor vehicle comprising a fan 28, a support 30 for mounting the fan in a motor vehicle and means 12, 14, 18 for securing the fan to the mounting support, the fan comprising a helix (blades of the fan, an intersection of which is shown in fig. 2) and a motor 26 for driving the helix in rotation, the securing means comprising a collar 14 for the radial

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clamping of the motor, the securing means further comprising a wedging block (ring support 12, with wedge-shaped arms 18 extending from ring support 12) which is inserted between the motor 26 and the substantially rigid (col. 4, ll. 26-28) collar 14 in order to clamp the motor radially.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Couetoux et al., Pat. No. 6,158,979.

Couetoux discloses all of the limitations substantially as claimed and as discussed above except for a motor vehicle.

However, Couetoux teaches that the invention concerns "a device for fixing a motor-fan unit to a component of a motor vehicle... in particular to a radiator for cooling a motor vehicle internal combustion engine" (col. 1, ll. 10-13) Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to have mounted the fan-motor unit of Couetoux to a motor vehicle in order to cool its engine.

Claims 1, 7-8 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi, Pub. No. 2002/0090297 in view of Bedard, Pat. No. 6,386,845.

Kobayashi discloses module for cooling a front unit of a motor vehicle comprising a heat exchanger 1 and a ventilation assembly for a motor vehicle (motor fan unit 2), of the type comprising a fan 8, a support 10 for mounting the fan in a motor vehicle and means 10a for securing the fan to the mounting support, the fan comprising a helix (blades of the fan, a top view of which is shown in fig. 3) and a motor 9 for driving the helix in rotation.

Kobayashi does not disclose that the securing means comprise a collar for the radial clamping of the motor and a wedging block which is to be inserted between the motor and the collar in order to clamp the motor radially, that the collar is substantially rigid, and a motor vehicle.

However, Bedard teaches a fan motor 14 fixed by securing means comprising a collar 23 for the radial clamping of the motor, the securing means further comprising a wedging block 22 which is inserted between the motor 14 and the substantially rigid collar 23 in order to clamp the motor radially and acoustically isolate the motor and impeller assembly from the casing 11 to lessen the noise produced by the motor and impeller assembly 21 (col. 3, ll. 42-46).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to have modified the cooling module of Kobayashi with the clamp and collar of Bedard in order to reduce the noise of the motor and fan.

In regards to the claimed limitation of a motor vehicle, while Kobayashi does not explicitly disclose a combination including a motor vehicle, it does teach that the motor fan unit is attached to the radiator to the vehicle rear (Abstract, ll. 2-4), and fig. 1 illustrates the assembly in relation to the vehicle front and the vehicle rear and also illustrates the direction of flow F while the vehicle is in motion (p. 2, paragraph 32). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to have mounted the motor fan assembly as taught by the combination of Kobayashi and Bedard to a motor vehicle.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mohr et al., Pat. No. 6,601,546 teach a cooling fan fastened in a motor vehicle engine compartment by means of two fastening points.

Jacquet et al., Pat. No. 4,335,646 teach a motor mount with a cylindrical cradle for a vehicle air conditioner.

Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims 'define a patentable invention' without specifically pointing out how the language of the

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claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, 'The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims.'" Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick Hamo whose telephone number is 571-272-3492. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

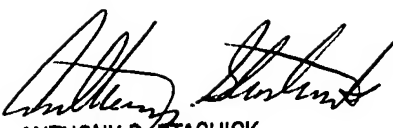
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PH

  
ANTHONY D. STASHICK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700